

USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 7-2-08

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
SILVESTRE MOSSO, et al.,

Plaintiffs,

- against -

KENJI SEKIYA,

Defendant.
-----X

08 Civ. 3515 (VM)

CONDITIONAL
ORDER OF DISCONTINUANCE

VICTOR MARRERO, United States District Judge.

Counsel for plaintiffs, on behalf of the parties, having notified the Court, by letter dated July 1, 2008, a copy of which is attached, that the parties have reached an agreement in principle to settle this action without further litigation, it is hereby

ORDERED, that this action be conditionally discontinued without prejudice and without costs; provided, however, that within thirty (30) days of the date of this Order, the parties may submit to the Court their own Stipulation of Dismissal for the Court to So Order. Otherwise, within such time counsel for plaintiff may apply by letter for restoration of the action to the active calendar of this Court in the event by the deadline indicated the settlement is not consummated. Upon such notification, the defendant shall continue to be subject to the Court's jurisdiction, the Court shall promptly reinstate the action to its active docket and the parties shall be directed to appear before the Court, without the necessity of additional process, on a date within thirty days of the

plaintiff's application for reinstatement, to schedule remaining pre-trial proceedings and/or dispositive motions, as appropriate. This Order shall be deemed a final discontinuance of the action with prejudice in the event plaintiff has not requested restoration of the case to the active calendar within such period of time.

The Clerk of Court is directed to close this case.

SO ORDERED.

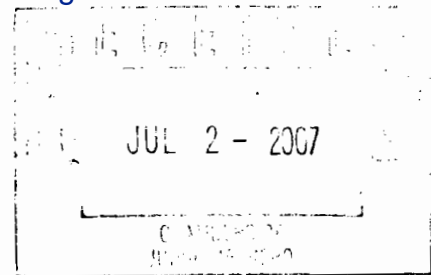
Dated: NEW YORK, NEW YORK
2 July 2008

A handwritten signature in black ink, appearing to read 'Victor Marrero', written over a horizontal line.

VICTOR MARRERO
U.S.D.J.

GOTTLIEB & ASSOCIATES
ATTORNEYS

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July 1, 2008

The Honorable Judge Victor Marrero
United States District Court
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, New York 10007

Re: Silvestre Mosso, Individually and on Behalf of All Other Persons Similarly Situated
v. Kenji Sekiya d/b/a Yuka Restaurant
Case No.: 08cv3515

Dear Judge Marrero,

This is in response to your order dated July 1, 2008. The parties have settled this matter and I am waiting to receive a duly executed agreement from Defendants and then a Stipulation of Discontinuance will be submitted to Your Honor for consideration. I appreciate your consideration in this matter.

Respectfully yours,
Gottlieb & Associates



By: Jeffrey M. Gottlieb, Esq.

Via: ECF
JMG/dlg